

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

103 DOC 400

INMATE MANAGEMENT

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MASSACHUSETTS DEPARTMENT OF CORRECTION	DIVISION: POLICY DEVELOPMENT AND COMPLIANCE UNIT
TITLE: INMATE MANAGEMENT	NUMBER: 103 DOC 400

**PURPOSE:** To establish departmental policy regarding basic inmate management within a correctional institution.

**REFERENCES:** M.G.L. Chapter 124 section 1, (c) and (q).  
M.G.L. Chapter 120 section 10.

**APPLICABILITY:** Staff/Inmates      **PUBLIC ACCESS:** Yes

**LOCATION:** DOC central policy file  
Facility/superintendent's policy file  
Inmate Law Library

**Availability:** A copy of this policy may be made available in other formats in accordance with 103 DOC 207.00 Special Accommodations for Inmates.

**RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:**

-Director of the Policy Development and Compliance Unit  
-Superintendents

**EFFECTIVE DATE:** 03/03/2015

**CANCELLATION:** This policy cancels all previous department policy statements, bulletins, directives, orders, notices, rules and regulations regarding inmate management which are inconsistent with this policy.

**SEVERABILITY CLAUSE:** If any part of this policy is for any reason held to be in excess of the authority of the Commissioner, such decision will not affect any other part of this policy.

**400.01**

**Staff/Inmate Communication**

1. Each superintendent shall establish a system of communication between staff and inmates, which ensures that inmates have personal contact and interaction with staff. This system shall include, adherence to departmental policies and development of procedures, as required, in the following areas:
  - (a) classification;
  - (b) grievances;
  - (c) emergencies;
  - (d) inmates shall be informed in a timely manner of the verifiable death or critical illness of an immediate family member and shall be informed of the process to request an emergency escorted trip. In cases where a verifiable death of an immediate family member occurs, staff shall update the IMS family/emergency contact screen to reflect the fact that the relative is now deceased.
  - (e) other areas as deemed appropriate by the superintendent.
2. The superintendent shall also ensure that communication between staff and inmates remain courteous and professional. During the normal performance of one's duties, it is acknowledged that staff have reason to interact with inmates on a one to one basis. However, the practice of staff bringing an inmate to a private area, e.g., isolated room, office, etc., for the purpose of an "attitude adjustment", also known as a "counseling session" is strictly forbidden. The Department will not tolerate this type of unprofessional behavior from any employee and will pursue disciplinary action against any staff person who engages in such conduct.
3. Inmates shall not be subjected to discriminatory treatment on the basis of race, religion, national origin, sex, disability, or political views.
4. Retaliation or harassment of any kind against inmates for exercising their rights, filing a

grievance, or otherwise lodging a complaint shall not be tolerated and is strictly prohibited. Retaliation or harassment in any formal or informal action or threat of action that may include, but is not limited to, abuse, violation of civil rights, intimidation, unnecessary discipline, unjustified adverse classification action, unjustified adverse transfer or placement, and unwarranted denial or limitation of access to privileges, programs or services.

**400.02**      **Inmates Notified of the Rules**

1. The first Department of Correction institution at which an inmate is incarcerated shall:
  - (a) Provide each new inmate a copy of 103 CMR 430.00, Disciplinary Proceedings, which the inmate may keep if he/she so chooses. The inmate shall read, sign and date a cover sheet indicating that he/she has read the rules. If the inmate refuses or is incapable to read and/or sign for the rules, the staff member providing the inmate with the copy shall indicate such refusal/incapability on the cover sheet. This cover sheet shall be kept in the inmate's institutional folder (see 103 DOC 400, Attachment I).
  - (b) Provide each new inmate a copy of the institutional rules, which the inmate may keep if he/she so chooses. The steps for indicating the inmate's receiving, reading, or refusal to receive and read the institutional rules shall be the same as those procedures specified in 400.02 (1) (a).
2. At each subsequent institution to which an inmate is transferred, including return to higher custody, the institution shall provide the inmate a copy of the institution rules, and follow the procedures indicated in 400.02 (1) (b).
3. Where a language problem may prevent an inmate from understanding institutional rules, or 103

CMR 430.00, Disciplinary Proceedings, assistance shall be provided to the inmate in accordance with 103 DOC 488, Telephonic Interpreter Service. Where a literacy problem may prevent an inmate from understanding institutional rules, or 103 CMR 430.00, Disciplinary Proceedings, assistance shall be provided to the inmate by a staff member so designated by the superintendent.

4. Institutions shall conspicuously post, in at least one (1) location, both the institution rules and 103 CMR 430.00, Disciplinary Proceedings.

#### **400.03**      **Personal Expression**

1. Inmates may be permitted certain choices in personal grooming, as long as their appearance does not conflict with the institution's requirements for safety, security, identification and hygiene.
2. Each superintendent shall develop room/cell decorum standards that include the following provisions:
  - (a) Inmates may be permitted to decorate their cells and/or sleeping quarters as long as their decorations do not conflict with the institution's requirements for safety, security, identification and hygiene. Rules regarding decorating of living/sleeping quarters are available to all inmates and staff. The rules are reviewed annually, and revised, if necessary. Decorations shall be displayed in a manner that does not prohibit or delay the effective search of the room or living quarters. The Superintendent may limit the size and number of items, as well as the location to display them.
  - (b) Providing they comply with 103 DOC 400.03 (2) (c), the items that shall be permitted include, but are not limited to:
    1. Photographs
    2. Cards

3. Magazine/newspaper pictures and articles
4. Drawings
5. Calendars

(c) The following items are not permitted to be displayed:

1. Anything that is prohibited by 103 CMR 481 Inmate Mail
2. Semi-nude, scantily clad, and/or sexually suggestive material
3. Material that can be considered offensive or otherwise discriminatory in the workplace.
4. Material that is deemed to be divisive between groups or individuals
5. Material that supports or promotes any violation of the 103 CMR 430 Disciplinary Proceedings

#### **400.04**      **Program Access**

The Department of Correction prohibits discrimination based on an inmate's race, religion, national origin, sex, disability, or political views in making administrative decisions and in providing access to programs and work assignments. Reasonable accommodations shall be made in accordance with 103 DOC 207, Special Accommodations for Inmates. Inmates have the option of refusing to participate in any rehabilitation or treatment program except adult basic education and programs required by statute or ordered by the sentencing court or paroling authority.

#### **400.05**      **Work Assignments**

1. Inmates are encouraged to accept work assignments for which they voluntarily applied. An inmate accepting a work assignment shall receive a written job description, which the inmate agrees to perform in writing. An inmate who refuses a direct order to complete an agreed upon job duty may be given a disciplinary report for refusing a direct order. A disciplinary report is not required to terminate an inmate from a work assignment.

2. Job descriptions shall be developed and kept on file by the work assignment officer. The work assignment officer shall also ensure work performance evaluations are being completed by work supervisors and then kept on file.

**400.06**      **No Inmate(s) Control Over Other Inmate(s)**

No inmate or group of inmates shall be in a position of control or authority over any other incarcerated person(s).

**400.07**      **Inmate Protection**

Each superintendent shall ensure adherence to departmental policies and the development of procedures, as required. The procedures shall ensure that every effort is made to protect inmates from mental and personal abuse, corporal or cruel or unusual punishment, personal injury, disease, property damage, humiliation, harassment or punitive interference with the daily functions of living, such as eating or sleeping.

**400.08**      **Adjudicated Youth and Status Offenders**

Adjudicated delinquent offenders and youths charged with offenses that would not be crimes if committed by adults do not reside in DOC facilities in accordance with M.G.L. chapter 120, section 10.

NOTIFICATION OF RULES' COVER SHEET

I, \_\_\_\_\_, have received and read:

- (1) 103 CMR 430, Disciplinary Proceedings  
(Applies to first DOC Institution);
- (2) \_\_\_\_\_ rules for inmates.  
(Write or type institution name)

Inmate's Signature

Date

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Inmate

(Inmate's Name)

Refuses or is incapable (circle one) to accept and/or read the  
above noted items.

Officer's Signature

Date

cc: Inmate's Institutional Folder